

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RALPH KAUS,

Plaintiff,

v.

ORDER
03-CV-435A

CARRIAGE HOUSE COMPANIES, INC.,

Defendant.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on August 13, 2003. On July 30, 2004, defendant Carriage House Companies, Inc., moved for summary judgment and attorneys' fees. On August 30, 2005, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion for summary judgment and attorneys' fees be granted and that the matter be referred back to him for a determination of the amount of attorneys' fees and costs to be awarded.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed,¹ it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's

¹ The Court granted plaintiff Ralph Kaus two extensions of time to file any objections. The last Order granting an extension required that objections be filed by October 11, 2005. To date, no objections have been filed.

motion for summary judgment and attorney's fees is granted, and it is

FURTHER ORDERED that the Clerk of Court enter a judgment in favor of the defendant, and it is

FURTHER ORDERED that the matter is referred back to Magistrate Judge Foschio, pursuant to Rules 54(d)(2)(d) and 72(b) of the Federal Rules of Civil Procedure, and 28 U.S.C. § 636(b)(3), for a report and recommendation on the amount of attorneys' fees and costs to be awarded.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 13 , 2005